HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

DIVISION BENCH

CORAM : HON'BLE SHRI S.R. NAYAK, CJ
& HON'BLE SHRI V.K. SHRIVASTAVA, J.

W.P. No. (S) 6383 of 2006

PETITIONER

S.S. Mistry, aged about 63 years, son of Shri Biharilal Mistry, Retd. Chief Reservation Supervisor / Raipur, LIG E-45., Sector-3, Devendra Nagar, Raipur – 492 009 P.N.B. S/B AC/No.0372113.

VERSUS

RESPONDENTS

1. Union of India, through – Ministry of Railway, New Delhi.
2. The South Eastern Central Railway, Bilaspur Division, through – its Divisional Railway Manager, Bilaspur (C.G.)
3. The Senior Divisional Personnel Manager, South Eastern Central Railway, Bilaspur, (C.G.)
4. The Senior Divisional Personnel Manager, South Eastern Central Railway, Raipur (C.G.)
5. The Manager (Commercial) South Eastern Central Railway, Raipur (C.G.)
6. The Central Administrative Tribunal, Jabalpur, Circuit Court Sitting at Bilaspur (C.G.) through – its Registrar.

Present: Shri A. N. Bhakta, learned counsel for the petitioner.

Shri Amit Chaudhari and Ms. Yoshita M., learned counsel for the respondents/Railways.

ORAL ORDER
(Passed on 27th November, 2006)

The following oral order of the Court was passed by

S.R. NAYAK, CJ .

Original Application No. 159 of 2006 filed by the petitioner herein, before the Central Administrative Tribunal, Jabalpur Bench Circuit Court Sitting at Bilaspur (for short "the Tribunal"), vide its order dated 28th June 2006, impugned in this writ petition, is dismissed by the Tribunal on the ground of limitation.

(2) Having heard learned counsel for the parties, we do not find any flaw in the order impugned in this writ petition.

(3) The facts are simple. On attaining the age of superannuation, the petitioner was retired on 31-10-2001. A sum of Rs. 22,535/- was deducted from gratuity and other pensionary benefits payable to the petitioner towards the charges of electricity consumed by the petitioner in the official quarter allotted to him. Feeling aggrieved by that action of the department, the petitioner made a representation on 16-08-2002, a copy of which is appended at page No. 33 of the material papers. It appears that the department did not respond to the above representation of the petitioner with promptitude and at a belated stage vide Annexure P/2 dated 09-12-2005, the claim of the petitioner to refund a sum of Rs. 22,535/- was turned down. Therefore, the petitioner instituted O.A. No. 159 of 2006 before the Tribunal on 07-03-2006.

(4) Learned counsel for the petitioner would contend that 09-12-2005 should be reckoned as a starting point for computing limitation of six months specified in Clause (b) of sub-Section (2) of Section 20 of the Administrative Tribunals Act 1985 (for short "the Act"), and if it is so reckoned, the O.A. filed by the petitioner on 07-03-2006 was very much within limitation and therefore, the Tribunal is not justified in dismissing the O.A. on the ground of limitation. The submission of learned counsel for the petitioner is meritless.

(5) Clause (b) of sub-Section (2) of Section 20 of the Act in unmistakable terms would indicate that the limitation of six months would begin to run immediately after period of six months from the date on which the representation was made, expires. In this case, six

months period had expired on 15-02-2003 whereas, admittedly, the O.A. was filed before the Tribunal on 07-03-2006.

(6) In that view of the matter, *ex facie*, the Original Application was barred by time and we could not take any exception to the impugned order. The writ petition is accordingly dismissed. No costs.

Sd/-
Chief Justice

Sd/-
V.K. Shrivastava
Judge

Subbu